



United States Department of the Interior

FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181



In Reply Refer to:
FWS/RI/AES/TE-72492B-0

Danielle Zitomer
Environmental Manager
Electron Hydro, LLC
19318 Electron Road East
Orting, Washington 98360

AUG 20 2015

Dear Ms. Zitomer:

This letter responds to your July 19, 2015, request for a recovery permit to conduct fish recovery/salvage activities (harass, capture, handle, and release) with the bull trout (*Salvelinus confluentus*) associated with maintenance outages at the Electron Hydroelectric project.

Enclosed is your U.S. Fish and Wildlife Service recovery permit issued under section 10(a)(1)(A) of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.*, and its implementing regulations. By accepting this permit and conducting activities authorized by it, you are agreeing to adhere to the attached Special Terms and Conditions. Failure to meet permit Special Terms and Conditions could result in ESA section 9 take violations, or suspension/revocation of this permit.

Given the unusually warm year we are experiencing, in addition to persistently low precipitation, conducting fish collection/sampling activities of any kind under elevated temperature conditions can result in abnormal levels of stress, injury, and mortality to bull trout and other fish being collected and handled. Particular caution needs to be exercised given our current weather conditions, especially during the summer season. Given these conditions, we highlight the following Special Terms and Conditions from your permit:

Special Term and Condition 5: Taking of the Bull Trout:

- b. Prior to initiating fish recovery/salvage activities, the daily high air temperature must be forecast to be 70° Fahrenheit (F) or less in the Electron, Washington area for 2 consecutive days encompassing the work period. Additionally, the forecast will be reconfirmed the day before initiation of the work to ensure air temperature is not expected to exceed 70° F.
- c. All capture, retention, handling, and observation methods shall be implemented at times that will avoid temperature stress of fish being sampled. Whenever possible, recovery efforts should occur during the coolest periods of the day (*i.e.*, early mornings).

- d. Appropriate numbers of transport vehicles/tankers and personnel must be available and onsite to handle a worst-case scenario if the anticipated number of trapped fish exceeds what was anticipated.

Please be aware that the species named in your recovery permit may also be listed under various State Endangered Species Acts or otherwise be of special concern to the States. As such, activities affecting this species may not be conducted without first obtaining the appropriate State permits. Possession of a Federal permit does not obviate the need for State authorization.

Please refer to the permit number in all correspondence and reports concerning permit activities. Engagement in any activity pursuant to this permit constitutes understanding and acceptance of the Special Terms and Conditions attached to your permit.

If you have any questions regarding this matter, please contact Colleen Henson, Regional Recovery Permits Coordinator, at 503-231-6283 or Colleen_Henson@fws.gov.

Sincerely,


act Program Manager for Restoration and
Endangered Species Classification



DEPARTMENT OF THE INTERIOR
 U.S. FISH & WILDLIFE SERVICE
 Endangered Species Permit Office
 911 NE 11th Avenue
 Portland, OR 97232-4181
 permitsRIES@fws.gov

FEDERAL FISH AND WILDLIFE PERMIT

1 PERMITTEE

ELECTRON HYDRO, LLC
 19318 ELECTRON ROAD EAST
 ORTING, WA 98360
 U.S.A.

2. AUTHORITY-STATUTES
 16 USC 1533(d)

REGULATIONS
 50 CFR 17.32

50 CFR 13

3 NUMBER
TE72492B-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
 08/20/2015

7. EXPIRES
 08/19/2016

8. NAME AND TITLE OF PRINCIPAL OFFICER (If: 1 is a business)
 THOM A. FISCHER
 PROJECT MANAGER

9. TYPE OF PERMIT
 NATIVE THREATENED SP. RECOVERY - T WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
 ON LANDS SPECIFIED WITHIN THE ATTACHED SPECIAL TERMS AND CONDITIONS

11. CONDITIONS AND AUTHORIZATIONS:

A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY OR RENEWAL OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.

B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12 REPORTING REQUIREMENTS

ANNUAL REPORT DUE BY 01/31 FOLLOWING EACH CALENDAR YEAR THIS PERMIT IS IN EFFECT.
 See the Special Terms and Conditions for further reporting requirements.

ISSUED BY: *Spah B. Halladay* TITLE: Program Manager for Restoration and Endangered Species Classification

DATE
 08/20/2015

SPECIAL TERMS AND CONDITIONS
Electron Hydro, LCC

1. Acceptance of this permit serves as evidence that the permittee understands and agrees to abide by the "General Conditions for Native Endangered and Threatened Wildlife Species Permits" and the following regulations: 50 CFR Part 13 (general permit procedures) and/or 50 CFR 17.32 (threatened wildlife), as applicable (copies attached). In addition, the permittee must have all other applicable Federal and State permits prior to the commencement of activities authorized by this permit.

2. Take Authorizations:

The permittee is authorized to take (harass by capture, handle, and release) the bull trout (*Salvelinus confluentus*) while conducting fish recovery/salvage activities at the Electron Hydropower facility for the purpose of enhancing its survival, as specified in the permittee's July 19, 2015, new permit request, in accordance with the Special Terms and Conditions stated herein.

3. Geographic Areas:

Permitted activities are restricted to the following geographic areas in Washington:

The wooden flume from the Puyallup River Electron Hydroelectric Project diversion dam (River Mile (RM) 41.7) to the storage reservoir/forebay (approximate RM 31.2), on the Puyallup River, in Pierce County. Recovered fish shall be released into the Puyallup River below the forebay at approximately RM 30.4.

4. Authorized Individuals:

Only individuals on the attached List of Authorized Individuals (List) are authorized to conduct activities pursuant to this permit. The List, printed on U.S. Fish and Wildlife Service (Service) letterhead, may identify special conditions or circumstances under which individuals are authorized to conduct permitted activities and must be retained with these Special Terms and Conditions. Each named individual shall be responsible for compliance with the Special Terms and Conditions of this permit.

To request changes to the List, the permittee shall submit a written request to the Recovery Permit Coordinator at the Service's Washington Fish and Wildlife Office (WFWO), 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503 (telephone: 360-753-9440; fax: 360-753-9008). The request shall be submitted at least 30 days prior to the requested effective date. The request shall be signed and dated by the permittee and include:

- a. The name of each individual to be appended to the List, if any;
- b. The title of their current position and employer's name for each individual;

- c. The resume/qualifications statement of each person to be appended to the List, detailing their experience with bull trout, or similar species, and type of activity for which authorization is requested;
- d. The names and phone numbers of a minimum of two references for each individual to be appended to the List; and
- e. The names of any individuals to be deleted from the List.

Note: This procedure is for personnel changes to the List only. For requests to renew/amend this permit, a complete application must be submitted to the Program Manager for Restoration and Endangered Species Classification at the Service's Pacific Regional Office (PRO), Ecological Services, 911 NE 11th Avenue, Portland, Oregon 97232-4181 (telephone: 503-231-6131; fax: 503-231-6243). An application may be obtained at www.fws.gov/forms/3-200-55.pdf.

5. Taking of the Bull Trout:

The permittee is authorized to harass by capture, handle, and release bull trout in association with recovery/salvage activities within the geographic boundaries specified above, and any time limitation specified in the permit, in accordance with the Special Terms and Conditions stated below.

While this permit allows for the disturbance, capture, and handling of bull trout during fish recovery/salvage activities during the scheduled and unscheduled draining of the reservoir, it does not cover other "take" of bull trout that may occur from the operation of the Electron Hydroelectric project. Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or to engage in any such conduct [ESA §3(19)]. Harm is further defined by the Service to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavior patterns such as breeding, feeding, or sheltering. Harass is defined by the Service as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavior patterns which include, but are not limited to, breeding, feeding, or sheltering [50 CFR §7.3].

- a. These activities are conducted in accordance with the work plan (as modified by these Special Terms and Conditions) accompanying the permit application.
- b. Prior to initiating fish recovery/salvage activities, the daily high air temperature must be forecast to be 70° Fahrenheit (F) or less in the Electron, Washington area for 2 consecutive days encompassing the work period. Additionally, the forecast will be reconfirmed the day before initiation of the work to ensure air temperature is not expected to exceed 70° F.
- c. All capture, retention, handling, and observation methods shall be implemented at times that will avoid temperature stress of fish being sampled. Whenever

possible, recovery efforts should occur during the coolest period of the day (*i.e.*, early mornings).

- d. Appropriate numbers of transport vehicles/tankers and personnel must be available and onsite to handle a worst-case scenario if the anticipated number of trapped fish exceeds what was anticipated.
- e. All netting used for capturing, handling, and holding of fish shall be composed of a fine mesh, knot-free material that will minimize injury to the fish. To minimize stress to any captured bull trout, the “bag” or “purse” portion of the seine shall not be completely removed from the water if seining is conducted.
- f. A colored fish key with all char, trout, and salmon species that are known or potentially present in the system shall be on hand when identifying fish. If identification of a fish is difficult and it may be a bull trout, a photograph shall be taken for verification. In areas where bull trout are rare or infrequently observed, a photograph shall be taken of all suspected bull trout for verification.
- g. If bull trout are captured or handled:
 - i. Prior to conducting activities that may involve handling bull trout, the permittee shall ensure that hands are free of sunscreen, lotion, or insect repellent.
 - ii. The permittee may collect fish statistics (length, weight, sex, ripeness, scale sample, mark, condition/health, angling injury, etc.) from captured bull trout. Handling and measurement of captured fish shall follow commonly accepted techniques for salmonid field sampling.
 - iii. The period of time that captured bull trout are anesthetized shall be minimized, and the number of bull trout that are anesthetized at one time shall be no more than what can be bio-sampled within several minutes.
 - iv. A non-lethal fin clip (not to exceed 0.75 square centimeter) shall be taken from any native char encountered and shall be preserved in a vial of 95 percent ethanol for genetic analysis. Any tissue samples collected will be transferred to the WFWO. A photograph of any sampled individuals shall also be taken, when feasible.
 - v. If bull trout are held in a tank, a healthy environment for the stressed fish must be provided and the holding time must be minimized. Water-to-water transfers, the use of shaded or dark containers, and supplemental oxygen shall all be considered in designing fish handling operations. Small bull trout 150 millimeters (5.9 inches) or smaller shall be kept separate at all times (in a fish trailer, holding tank, etc.) from larger bull trout or other fish species to avoid predation by larger fish during captivity.

- vi. Regardless of holding time, any captured bull trout that shows signs of stress or injury shall be held until it is able to maintain itself. It may be necessary to nurture the fish in a holding tank until it has recovered.
 - vii. Any bull trout captured shall be released as soon as possible into the Puyallup River below the forebay at approximately RM 30.4.
 - h. Notification of anticipated scheduled project outages must be submitted in writing to the WFWO at least 10 days prior to conducting such activities. Notification of unscheduled outages and the initiation of scheduled outages shall be made as soon as possible, but no later than 24 hours, from the time the outage begins.
6. Incidental Take Limitations:
- a. Following completion of each power outage, the permittee shall immediately notify the Recovery Permit Coordinators at the PRO (telephone: 503-231-6131; fax: 503-231-6243) and the WFWO (telephone: 360-753-9440; fax: 360-753-9008) by telephone or facsimile regarding the number of bull trout collected, injured, or killed during permitted activities and their disposition. Such notification must be followed up in writing to both the PRO and the WFWO within 3 working days. The permittee must provide a written report of the circumstances that led to any injury or mortality including: date, time, and precise location of the injured animal or carcass; disposition of the injured animal or suggested disposition of the dead specimen (see Special Term and Condition 7 below); and a description of the changes in activity protocols that will be implemented to reduce the likelihood of such injury or mortality from reoccurring, if appropriate. The incident shall also be discussed in the annual report that is subsequently submitted to the PRO and the WFWO.
 - b. After analysis of the circumstances of any injury or mortality, the PRO may amend, suspend, or revoke this permit.
 - c. All incidentally killed specimens shall be preserved in accordance with standard museum practices while still providing maximum scientific information. Before expiration of this permit, all preserved specimens shall be properly labeled and deposited with the designated depository (see Special Term and Condition 7 below). The permittee shall supply the depository with a copy of this permit.
 - d. Any specimen killed shall be kept whole and put on ice or frozen. Prior to freezing, a small sample of tissue (*e.g.*, a fin clip approximately 1 square centimeter) shall be preserved in a vial of 95 percent ethanol for genetic analysis. Frozen specimens shall be wrapped directly in aluminum foil to preserve the specimen in a manner that allows for future contaminant analysis.
7. Designated Depository:
- Contact the WFWO for disposition of the specimen(s).

8. All reports, publications, or other documents that include information gathered under the authority of this permit shall reference this recovery permit by permit number. Copies of such documents shall be provided to the WFWO immediately upon their completion. Draft documents, raw/field data and notes, and other information resulting from work conducted under the authority of this permit shall be submitted to the Service upon request.
9. Reporting Requirements:
 - a. An annual report of activities conducted under this permit shall be submitted to the Recovery Permit Coordinators at the PRO and the WFWO by January 31, following each year this permit is in effect. The report shall be in the following format:
 - i. An introduction section addressing reasons and objectives for taking the bull trout;
 - ii. A methods section addressing data collection, analysis procedures, personnel working on the project, and effectiveness of the Special Terms and Conditions in minimizing take of the bull trout;
 - iii. A results section that summarizes the data collected, including information on any other federally listed species detected while conducting activities authorized under this permit; and
 - iv. A brief discussion of significant research results and a conclusion section that specifically provides recommendations for recovery of the species.
 - b. The annual report shall include, but need not be limited to, the following information:
 - i. Summary presentation and brief discussion of significant research results and their importance with regards to recovery of the species;
 - ii. Maps and/or descriptions of locations (including GPS/GIS data, as appropriate) where permitted activities occurred;
 - iii. The results of all sampling efforts, including estimates of population sizes, when appropriate;
 - iv. Reports or other documents that include information gathered under the authority of this permit;
 - v. Quantification of take for the species, including numbers of individuals incidentally killed (including dates, locations, and circumstances of lethal take), and an estimate of the numbers of individuals otherwise harmed or harassed;

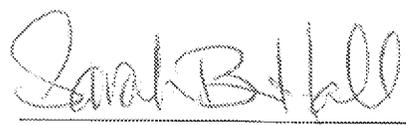
- vi. The disposition of any injured or dead individuals;
 - vii. Other pertinent observations made during permitted activities regarding the status or ecology of the species; and
 - viii. Planned future activities if authorized under this permit.
- c. Copies of any other Federal and/or State permits required to perform permitted activities shall be submitted with the annual report.
- d. Submission of annual reports:
- i. One copy of an annual report (electronic format preferred) is required to be submitted to the Recovery Permit Coordinators at the PRO and the WFWO each calendar year. Annual reports may be submitted electronically to the following email addresses:

PRO: permitsR1ES@fws.gov
WFWO: permitsWFWO@fws.gov

Add the following subject line to the email: Annual report for recovery permit TE-72492B-0.
 - ii. All email file attachments combined are limited to 25 megabytes in size. If electronic files exceed this size limitation, please copy them onto a DVD or CD (preferred submission) or send them as a printed document(s).
- e. If no permitted activities occurred over the course of a calendar year, indication of such shall be submitted as an annual report to the WFWO and the PRO.
10. Failure to comply with reporting requirements may result in non-renewal or suspension/revocation of this permit.

AUG 20 2015

Date



Program Manager for Restoration and
Endangered Species Classification



United States Department of the Interior



FISH AND WILDLIFE SERVICE
911 NE 11th Avenue
Portland, Oregon 97232-4181

In Reply Refer to:
FWS/R1/AES/TE-72492B-0

LIST OF AUTHORIZED INDIVIDUALS Recovery Permit TE-72492B-0 Electron Hydro, LCC

1. Individual authorized to independently conduct activities pursuant to this permit:

Danielle R. Zitomer (Environmental Manager).
2. Supervised individuals may conduct activities pursuant to this permit only under the direct, on-site supervision of the independently authorized individual listed above. "On-site supervision" is defined as having the authorized individual at a distance that would allow this individual to proximally assist a supervised individual, as needed, while they are conducting an authorized activity.

AUG 20 2015

Date


Program Manager for Restoration and
Endangered Species Classification

This List is valid only if dated on or after the permit issuance date.